

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

FAITH HABACHI and GEORGE HABACHI,)
)
Plaintiffs,) EFC Case
v.) Civil Action No. 07 Civ. 11053 (LLS)
UNITED STATES OF AMERICA,)
)
Defendants.)
)

DECLARATION OF BETTIE E. GOLDMAN

Pursuant to 28 U.S.C. § 1746, I, BETTIE E. GOLDMAN, hereby declare:

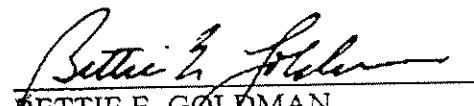
1. I make this declaration on my personal knowledge and on information contained in the records of the Civil Litigation Section ("CCL") in the Office of the Chief Counsel of the United States Department of Justice, Drug Enforcement Administration ("DEA").
2. I have been employed as an attorney in CCL since 1991, and I have served in my present supervisory position as CCL Associate Chief Counsel since April 1998.
3. As Associate Chief Counsel for CCL, I am the custodian of agency records relating to the filing, evaluation, and disposition of administrative claims presented to DEA under the Federal Tort Claims Act ("FTCA"). Agency procedures require that all FTCA claims over \$500.00 must be submitted to CCL for review.
4. As a routine business practice, CCL maintains a computer record of each such administrative claim, indexed alphabetically by the last name of each claimant, as well as a file containing the claim and all correspondence related thereto. This system has been in effect for over ten years.

5. On February 12, 2008, I caused a thorough search to be made of the FTCA claim records of this office to determine whether Plaintiff George Habachi presented to DEA an FTCA claim arising from a January 17, 2007, motor vehicle accident with a pedestrian, Plaintiff Faith Habachi, as alleged in the complaint.

6. The records of this office showed that although Plaintiff Faith Habachi presented to DEA an FTCA administrative claim solely on her own behalf, Plaintiff George Habachi never presented an FTCA administrative claim to DEA.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 12, 2008.


BETTIE E. GOLDMAN
Associate Chief Counsel
Civil Litigation Section
Office of Chief Counsel
Drug Enforcement Administration
Washington, D.C. 20537